

PATENT
Serial No. 09/597,196
Amendment in Reply to Office Action of January 18, 2006

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

In the Office Action, claims 1-17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,772,331 (Hind). In response, the following remarks are presented. It is respectfully submitted that claims 1-17 are patentable over Hind for at least the following reasons.

As correctly noted by the Examiner, Hind discloses the Bluetooth standard for communicating between two devices. (See column 1, lines 51-52). Hind also discloses that two devices are paired when both devices are provided with the same PIN. (See column 2, lines 60-61). According to the Examiner, this feature and other features recited on column 2, lines 51-67:

meets the limitation of "upon link set-up over a short-range wireless link, executing an authentication protocol by exchanging authentication information between the first and second electronic devices to initially authenticate communication between the first and second devices." (Pages 2-3 and page 4, first paragraph of the Final Office Action Emphasis added)

PATENT
Serial No. 09/597,193
Amendment in Reply to Office Action of January 18, 2006

It is respectfully submitted that there is no teaching or suggestion in column 2, lines 51-67 of using a short-range wireless link. In fact, this section of Hind implies a long-range wireless link, as column 2, lines 50-54 refers to "unobserved" eavesdropper and RF penetrating buildings and wall, reciting:

In all these scenarios, the third party could even impersonate or eavesdrop unobserved, since radio frequency communication in the intended RF spectrum can penetrate sight-barriers such as buildings and walls. (Emphasis added)

Further, on Page 3, item 4 and page 4, item 8 of the Final Office Action, it is alleged that:

Hind teaches that the PIN is reused whenever communication with the same partner (Hind: column 3, lines 25-26). This meets the limitation of "later, when the first and second electronic devices are beyond the short-range wireless link, executing the authentication protocol by exchanging the authentication information between the first and second electronic devices over an alternate communications link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated." (Emphasis added)

It is respectfully submitted that there is no teaching or suggestion in column 3, lines 25-26 of two devices communicating

PATENT
Serial No. C9/597,198
Amendment in Reply to Office Action of January 18, 2006

"beyond the short-range wireless link," as recited in independent claims 1, 13-14 and 17.

Even assuming, arguendo, that Hind suggests that the two devices communicate over an alternate communications link when beyond the short-range wireless link, Hind simply does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 13-14 and 17 which, amongst other patentable elements, requires:

upon link set-up over a short-range wireless link, executing an authentication protocol...

later, when the first and second electronic devices are beyond the short-range wireless link, executing the authentication protocol by exchanging the authentication information between the first and second electronic devices over an alternate communications link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated.
(emphasis added)

Claim 17 further requires:

wherein said first communications link and said second communications link are different types of links. (emphasis added)

According to page 4, item 9 of the Final Office Action, in FIG 1A of Hind, items 1050 and 1030 teach "different types of

PATENT
Serial No. 09/597,198
Amendment in Reply to Office Action of January 18, 2006

communications links." It is respectfully submitted that the noted Hind items 1050 and 1030 in FIG 1A, assuming arguendo that they are different types of communications links, are nevertheless NOT between the very same TWO devices. Rather, FIG 1A of Hind shows one communication link between a first device 1003 and a second device 1001, and a second communication link between the second device 1001 and a third device 1005. Hence, even if one assumes that these two Hind communication links are different, this still does not meet the features recited in claim 17 that requires different links between the very same two devices.

Hind simply does not teach or suggest only allowing communication between two devices if the two devices had initially been successfully authenticated upon link set-up over a short-range wireless or a first link, as recited in independent claims 1, 13-14 and 17, e.g., when the two devices are in physical proximity, as recited in claim 7.

Accordingly, it is respectfully submitted that independent claims 1, 13-14 and 17 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-12 and 15-16 should also be allowed at least based on

PATENT
Serial No. 09/597,198
Amendment in Reply to Office Action of January 18, 2006

their dependence from independent claims 1 and 14.

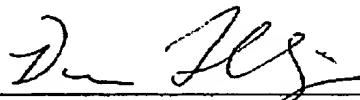
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

PATENT
Serial No. 09/597,198
Amendment in Reply to Office Action of January 18, 2006

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
February 16, 2006

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101